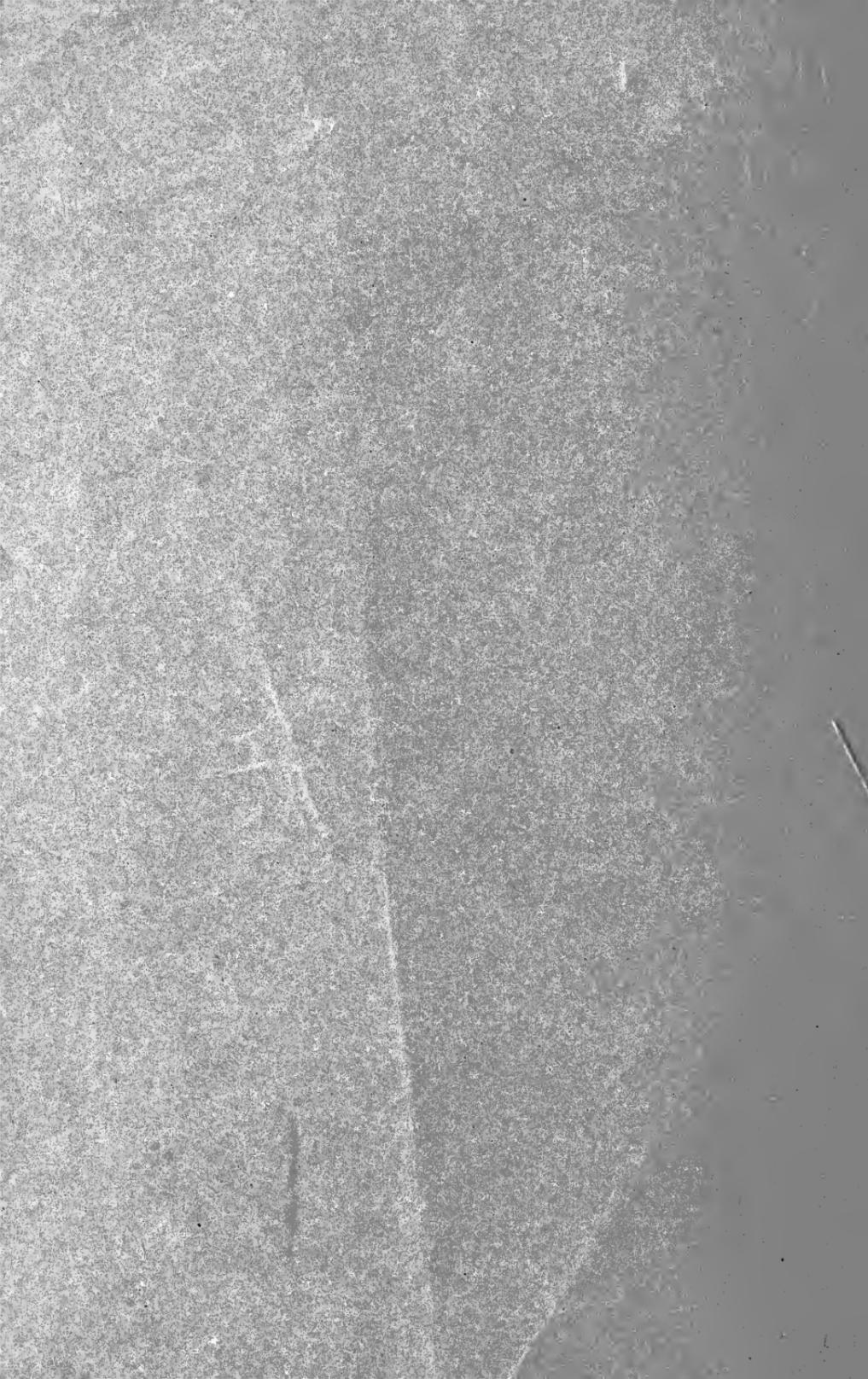


MURPHY & BECHTEL, STEAM BOOK AND JOB PRINTERS.

1871.



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TO ESTABLISH

A System of Public Instruction

FOR THE

STATE OF NEW JERSEY,

Law 27

WITH THE

Free School Act and other Supplements,

PREPARED IN PURSUANCE OF LAW, BY THE

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION,

FOR THE

USE AND GOVERNMENT OF COUNTY, TOWN AND DISTRICT
SCHOOL OFFICERS.

To be Preserved and Delivered by each Officer to his Successor.

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TRENTON, N. J.:

MURPHY & BECHTEL, STEAM BOOK AND JOB PRINTERS—STATE GAZETTE OFFICE.

1871.

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DEPARTMENT OF PUBLIC INSTRUCTION,
OFFICE OF STATE SUPERINTENDENT,
TRENTON, N. J., May 1, 1871.

A copy of this volume will be furnished to each school or county officer having duties to discharge under the School Law.

E. A. APGAR,
State Superintendent of Public Instruction.



THE SCHOOL LAW.

AN ACT to establish a system of Public Instruction.

Approved March 21, 1867.

ARTICLE I.

STATE BOARD OF EDUCATION.

1. BE IT ENACTED by the *Senate and General Assembly of the State of New Jersey*, That the general supervision and control of public instruction in the State of New Jersey shall be vested in a State Board of Education, which board shall consist of the Trustees of the School Fund, the Trustees of the State Normal School, appointed as hereafter provided, together with the treasurer thereof.

2. *And be it enacted*, That the State Board of Education shall have power, and it shall be their duty :

I. To frame and modify at pleasure such by-laws as may be deemed expedient for their own government, not inconsistent with the provisions of this act, and to prescribe and cause to be enforced all rules and regulations necessary for carrying into effect the school laws of this State ;

II. To consider the necessities of the public schools, and recommend to the Legislature, from time to time, such additions and amendments to the laws as are deemed necessary for perfecting the school system of the State ;

III. To appoint the State Superintendent of Public Instruction ;

IV. To appoint the County Superintendents of the several counties of the State, subject the approval of the Board of Chosen Freeholders of the several counties, at their first meeting after the appointments by the State Board, but in all cases where no action is taken by any Board of Chosen Freeholders, approving or disapproving, then the appointments made by the State Board shall be valid without such approval ;

V. To prescribe all rules and regulations for holding teachers' institutes ;

VI. To order all necessary repairs to the grounds, buildings and furniture of the State Normal School, and to keep said buildings and furniture insured, and the comptroller shall draw warrants for the payment of the same, upon the certificate of the president of said board;

VII. To authorize the payment by the State Treasurer, upon the warrant of the State Comptroller, of all the necessary incidental expenses incurred by the State Superintendent in the performance of his official duties;

VIII. To decide all appeals from the decisions of the State Superintendent of Public Instruction.

Compensa-
tion.

3. *And be it enacted*, That the members of the board shall receive no compensation for their services, but the State Treasurer shall pay the necessary expenses of the said members, upon the warrant of the State Comptroller.

Annual re-
port.

4. *And be it enacted*, That the board shall report annually to the Legislature in regard to all matters committed to their care.

ARTICLE II.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

State Super-
intendent,
how elected,
term of office
and salary.

5. *And be it enacted*, That the State Superintendent of Public Instruction shall be elected by the State Board of Education, by ballot, and shall hold office during the pleasure of the board, not to exceed the term of three years, receiving annually a salary of two thousand dollars; *provided*, that nothing herein contained shall prevent his re-election.

Location of
office.

6. *And be it enacted*, That he shall be required to have his office in the State House, in Trenton.

To carry out
the instruc-
tions of the
Board.

7. *And be it enacted*, That it shall be his duty to carry out the instructions of the board, and to enforce all rules and regulations prescribed by them.

Officer ex
officio.

8. *And be it enacted*, That he shall be ex-officio secretary of the Board of Education, president of the State Association of School Superintendents, and a member of the State Board of Examiners, and of all county and city boards of examiners.

Supervision
of schools.

9. *And be it enacted*, That he shall have the supervision of all the schools of the State receiving any part of the State appropriation, and shall be the general adviser and assistant of the County Superintendents; he shall, from time to time, as he shall deem for the interest of the schools, address circular letters to said Superintendents, giving advice as to the best manner of conducting schools, constructing school houses, furnishing the same, and procuring competent teachers.

10. *And be it enacted*, That the State Superintendent, under the direction of the Trustees of the School Fund, shall apportion to the several counties the State school moneys to which each may be entitled, which apportionment shall be made in the ratio of the number of children between the ages of five and eighteen in the said counties, as ascertained by the last annual report of the State Superintendent; he shall furnish to the State Comptroller, and to the County Superintendent, and the County Collector of each county, an abstract of such apportionment, and shall draw his order on the State Comptroller for the amount to which each county is entitled, in favor of the County Collector of said county.

11. *And be it enacted*, That he shall have power, and it shall be his duty to direct and cause the County Superintendent of any county, or any Board of Trustees or other school officers, to withhold from any officer, or district, or teacher, that part of the State appropriation derived from the revenue of the State, until such officer, district or teacher shall have complied with the provisions of this act and its supplements relating to his, its or their duties, and with all the rules and regulations made in pursuance thereof by the State Board of Education; he shall forbid the payment of said part of the State appropriation to any district in which the school or schools have not been kept according to law, or in which a public school has not been kept for at least five months during the year next preceding the demand for payment.

12. *And be it enacted*, That he shall prepare and cause to be printed suitable forms for making all reports and conducting all necessary proceedings under the school laws of this State, shall transmit them to the local school officers and teachers; he shall cause all school laws to be printed in pamphlet form, and shall annex thereto the forms for making reports and conducting school business.

13. *And be it enacted*, That he shall decide, subject to appeal to the State Board of Education, and without cost to the parties, all controversies or disputes that may arise under the school laws of the State, or under the rules and regulations prescribed by the State Board of Education, the facts of which controversies or disputes shall be made known to him by written statements by the parties thereto, verified by oath or affirmation, if

* The free school law requires the schools to be kept open nine months each year.
See Sec. 1.

required, and accompanied by certified copies of all documents necessary to a full understanding of the question in dispute; and his decision shall be binding until a different decision shall be given by the State Board of Education.

To collect books and apparatus.

14. *And be it enacted*, That he shall preserve in his office such school books, apparatus, maps, charts, works on education, plans for school buildings, and other articles of interest to school officers or teachers, as may be procured without expense to the State.

To file and preserve school documents.

15. *And be it enacted*, That he shall file all school reports of this State, and of other States which may be sent to his office, and shall keep a record of all the acts connected with his official duties, and preserve copies of all the decisions given by him.

To provide a seal for his office.

16. *And be it enacted*, That he shall provide a seal with suitable device for use in his office, by which all his official acts and decisions may be authenticated.

To make an annual report.

17. *And be it enacted*, That he shall report to the State Board of Education, at its annual meeting in December of each year, a statement of the condition of the public schools, and of all the educational institutions receiving support from the State, which report shall contain full statistical tables of all items connected with the cause of education that may be of interest to the school officers or people of the State, together with such plans and suggestions for the improvement of the schools and the advancement of public instruction in the State as he shall deem expedient.

To deliver the property in his office to his successor.

18. *And be it enacted*, That he shall, at the expiration of his term of office, deliver to his successor his official seal, together with all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.

ARTICLE III.

COUNTY SUPERINTENDENTS.

County Superintendent, how appointed, term of office.

19. *And be it enacted*, That the State Board of Education shall appoint for each county one person, as provided in the fourth provision of section two, of suitable attainments, as the County Superintendent of public schools for that county, who shall hold office during the pleasure of the board, not to exceed the term of three years; *provided*, that nothing herein contained shall prevent his reappointment.

20. *And be it enacted*, That the yearly salary of the County Superintendent shall be at the rate of ten cents for each child in the county between the ages of five and eighteen, as ascertained in the last annual report of the State Superintendent, which salary shall be paid by the county collector, on the warrant of the State Superintendent; *provided*, that the salary shall in no case be less than five hundred dollars, nor more than twelve hundred dollars; *and provided*, that in case any city shall have a City Superintendent of schools, who is not also the County Superintendent, the children belonging to such city shall not be counted in determining the salary of the County Superintendent; and the supervision of the schools of said city, which would otherwise belong to the County Superintendent, shall devolve upon the City Superintendent.

21. *And be it enacted*, That the County Superintendent shall apportion annually among the several townships of his county, and to the city or cities therein, not included in said townships, under the direction of the Board of Chosen Freeholders, the school moneys belonging to said county, in the ratio of the number of children between the ages of five and eighteen, as ascertained by the last preceding annual report of the State Superintendent of Public Instruction.

22. *And be it enacted*, That he shall further apportion among the several school districts of each township, the State appropriation to which they are entitled, together with the township appropriation, in the ratio of the number of children between the ages of five and eighteen, as reported by the district clerk.

23. *And be it enacted*, That he shall issue orders on the county collector in favor of each township collector, and of each city treasurer, for that portion of the State appropriation to which said township or city is entitled; and shall file with each township collector and the clerk of each school district, in any township, a copy of the apportionment of the township school funds made by him for said township, within twenty days after making said apportionment.

24. *And be it enacted*, That he shall examine and license teachers, fix the boundaries of school districts, divide and unite districts, form new districts, provide for graded schools, and discharge other duties of general supervision and superintendence over the public schools of the county, in accordance with the regulations prescribed from time to time by the State Board of Education.

To appoint trustees to fill vacancies.

25. *And be it enacted*, That he shall have power, and it shall be his duty, to appoint trustees for any district which for any cause fails to elect at the regular time; to appoint trustees to fill vacancies; to appoint the first trustees for any new district; *provided, however*, that when a new district is organized, such of the trustees of the old district as reside within the limits of the new one shall be trustees of the new one, and the vacancy in the old district shall be filled by his appointment.

To withhold school money. (See Sec's 1 and 11 of free school law.)

26. *And be it enacted*, That he shall have power to withhold that part of the State appropriation derived from the revenue of the State from any district in which the inhabitants fail to provide a suitable school building and outhouses, or in which the existing buildings shall be pronounced by him and a majority of the trustees unfit for use; and for that purpose he may serve a notice on the township collector to withhold the payment of the same from such district.

To appoint students for Agricultural College.

27. *And be it enacted*, That it shall be the duty of the County Superintendent, at such time and place as the State Superintendent may appoint, to examine such candidates for State scholarships at the Agricultural College, as may present themselves, and the candidates shall be subjected to such examination as the faculty of the said college and State Superintendent shall prescribe; and the candidates who shall receive certificates of appointment to the Agricultural College in any one county, shall be those who obtain on such examination the highest average for scholarship; and the number of certificates thus granted shall in no case exceed the number of State scholarships to which such county is entitled.

To give advice.

28. *And be it enacted*, That in all controversies arising under the school law, the opinion and advice of the County Superintendent shall first be sought, and from him appeal may be made, if necessary, to the State Superintendent of Public Instruction.

State Association of School Superintendents.

29. *And be it enacted*, That the County and City Superintendents shall together constitute an association, to be called "The State Association of School Superintendents," which association shall meet at such times and places as the State Board of Education may appoint, and at such other times as they may agree upon.

To make an annual report.

30. *And be it enacted*, That each County Superintendent and each City Superintendent, on or before the first of October of each year, shall make an annual report to

the State Superintendent, in the manner and form prescribed by him.

ARTICLE IV.

SCHOOL TRUSTEES.

31. *And be it enacted*, That an annual meeting for the election of school trustees shall be held in each district on the first Monday in September of each year, at the district school house, if there be one, and if there be none, at a place to be designated by the district clerk, who shall post notices thereof, specifying the day, time, object and place of such meeting, in at least three public places in the district, one of which shall be at the school house, if there be one, at least five days previous to the time of meeting; the voters shall be legal voters of the district, and a plurality of votes shall elect; and no person shall be eligible to the office of trustee, unless he is a resident in the district.

32. *And be it enacted*, That in all districts in which elections have been previously held, one trustee shall be elected for the term of three years, and if there are vacancies to be filled, a sufficient number shall be elected to fill them for the unexpired terms.

33. *And be it enacted*, That in new districts acting under trustees appointed by the County Superintendent, three trustees shall be elected, for one, two and three years respectively; the term of office of any trustee which would otherwise expire in April of any year, shall expire on the first Monday of September of the same year.

34. *And be it enacted*, That each Board of Trustees shall, within ten days after the annual election, meet at the school house, or at some other convenient place, and proceed to elect one of their number clerk of the board, who shall be known and referred to as "district clerk;" and on their failure to do so, the County Superintendent shall appoint said clerk.

35. *And be it enacted*, That he shall record, in a suitable book, all proceedings of the board, and of the annual school meetings, and of special school meetings; and pay out, by orders on the township collectors, in the manner prescribed by law, all school moneys of the district, whether received from the State, township or district; he shall keep a correct and detailed account of all expenditures of school moneys in his district, and report the same to the County Superintendent, and also

Trustees,
when and
how elected.

Term of
office.

Trustees,
how elected.
in new dis-
tricts.

District
Clerk, when
and how
elected.

Duties of the
District
Clerk.

Report to
County Su-
perintend-
ent.

to the township committee; at each annual school meeting he shall present his record book and his accounts for public inspection, and shall make a statement of the financial condition of the district and of the action of the trustees.

District census of children, how and when made.

36. *And be it enacted*, That he shall take annually, in the month of August, between the first and twentieth day of said month, an exact census of all children residing in the district between the ages of five and eighteen, not including the children who may be inmates of poor houses, asylums or alms houses, and shall specify the names and ages of such children, and the names of their parents or guardians; (all children who may be absent from home, attending colleges, boarding schools and private seminaries of learning, shall be included in the census list of the city, town or district in which their parents or guardians reside, and not be taken by the district clerk of the city, town or district where they may be attending such institutions of learning); and that he shall make a full report thereof, verified by him under oath or affirmation that the same is correct and true, on the blanks furnished for that purpose, to the County Superintendent, on or before the first day of September next after his appointment, and keep a copy (See Sec. 12 of the same for the use of the School Trustees, and shall receive for his services such compensation as the Board to reports.) of Trustees may allow.

Schools, how supplied and kept in repair

37. *And be it enacted*, That he shall keep the school buildings in repair; he shall provide the necessary fuel, and obtain for the schools such supplies of crayons for blackboards, for the use of the pupils, as are necessary in carrying out the course of study prescribed therein; which repairs and supplies shall be paid for out of the moneys raised by the district.

Name of School District.

Title and powers of Trustees.

38. *And be it enacted*, That every school district shall be known by the name and number assigned to it by the County Superintendent, in accordance with the general regulations of the State Board of Education, and the Trustees thereof shall be a body corporate, to be called and known by the name of "The Trustees of School District Number —, in the county of _____," and shall be capable of suing and being sued in all courts and places whatever, and of purchasing, holding and conveying real and personal property for the use and benefit of the schools of such district, and may have a corporate seal.

39. *And be it enacted*, That the Board of Trustees of any school district shall have power, and it shall be their duty:

I. To employ and dismiss teachers, janitors, mechanics and laborers, and to fix, alter, allow and order paid their salaries and compensations; To employ teachers, etc.

II. To make and enforce rules and regulations not in conflict with the general regulations of the State Board of Education, for the government of schools, pupils and teachers; To enforce rules of State Board.

III. To erect school buildings, and purchase, lease or sell school lots, as they may be directed by a two-third vote of the district; To erect school buildings, etc.

IV. To rent, furnish, and repair school buildings, and keep the same insured; To rent school buildings, etc.

V. To purchase personal property, and to receive, lease and hold in fee, in trust for their district, any and all real or personal property, for the benefit of the schools thereof; To purchase school property.

VI. To enforce the regulations prescribed by the State Board of Education; and, in connection with the County Superintendent, to prescribe the course of study to be pursued, and a uniform series of text books to be used in the school or schools under their charge; To prescribe the text books.

VII. To suspend or expel pupils from school;

VIII. To provide books for indigent children;

IX. To require all pupils to be furnished with suitable books, as a condition of membership in the school;

X. To require every teacher to keep a State school register;

XI. To call a special meeting of the legal voters of the district, at any time when, in the judgment of said Trustees, the interests of the school may require it; To call special meetings. (See Sec. 7 of free school law.) which meeting shall be called in the manner provided in section eighty of this act for calling the annual district meeting; and no business shall be transacted at said special meeting except such as has been set forth in the notices by which said meeting was called;

XII. To permit a school house to be used for other than school purposes, when a majority of the Trustees present shall so agree, at a meeting regularly called for that purpose.

XIII. To make an annual report, on or before the first of September, to the County Superintendent, in the manner and form prescribed by the State Superintendent of Public Instruction. To make an annual report. (See Sec. 12 of free school law.)

Township
Board of
Trustees.

40. *And be it enacted*, That the District Trustees of each township shall together constitute an association, to be called "The Township Board of Trustees;" said Board shall meet at such times and places as the County Superintendent may appoint, for the purpose of hearing from him communications and suggestions in regard to the management of the schools, and of submitting to him questions for advice or opinion relating to the same.

ARTICLE V.

TEACHERS.

Teacher to
keep a
School Reg-
ister.

41. *And be it enacted*, That every teacher of a public school shall keep a school register in the manner provided therefor, and no salary shall be paid to such teacher until said register is exhibited to the district clerk, or other officer authorized to make payment, and until said officer finds, by examination, that the register has been properly kept for the time for which salary is demanded, and enters upon the register a certificate to that effect.

To present
School Reg-
ister to Dis-
trict Clerk.

42. *And be it enacted*, That every teacher who shall leave a school before the close of the school year, shall, at the time of leaving, make to the County Superintendent a report of the school for all that portion of the current school year that the school has been in his or her charge, and shall, at the same time, give a duplicate of said report and surrender the school register to the district clerk, and any teacher who may be teaching any school at the close of the school year, shall, in his or her annual report, include all the statistics from the school register for the entire school year, notwithstanding any previous report for a part of the year; no school money shall be paid to any teacher for the last month of his or her services until the report herein required shall have been made and received, and the register exhibited; *provided*, that in graded schools, in which there are more teachers than one, the principal teacher alone shall be responsible for the school report and register.

To hold a
teacher's
certificate.

43. *And be it enacted*, That no teacher shall be entitled to any salary unless such teacher shall be the holder of a proper teacher's certificate, in full force and effect.

School
month,
holidays, etc.

44. *And be it enacted*, That in every contract, whether written or verbal, between any teacher and Board of Trustees, a school month shall be construed and taken to be twenty school days, or four weeks of five school days each; and no teacher shall be required to teach school on Christmas day, the first day of January, the

fourth day of July, and such days of fasting or thanksgiving as may be appointed by the President of the United States or the Governor of this State; and no deduction from the teacher's time or wages shall be made by reason of the fact that a school day happens to be one of the days referred to in this section; any contract made in violation of this section, shall have no force or effect as against the teacher.

45. *And be it enacted*, That every teacher shall have power to hold every pupil accountable, in school, for any disorderly conduct on the way to or from school, or on the play grounds of the school, or during recess, and to suspend from school any pupil for good cause; *provided*, that such suspension shall be reported by the teacher to the Trustees as soon as practicable; and if such action is not sustained by them, the teacher may appeal to the County Superintendent, whose decision shall be final.

46. *And be it enacted*, That in case of the dismissal of any teacher before the expiration of any contract entered into between such teacher and Trustees, the teacher shall have the right of appeal to the County Superintendent, and if the County Superintendent shall decide that the removal was made without good cause, said teacher shall be entitled to compensation for the full time for which the contract was made; but it shall be optional with the Trustees whether he or she shall or shall not teach for the unexpired term.

ARTICLE VI.

PUPILS.

47. *And be it enacted*, That pupils of the public school shall comply with the regulations established in pursuance of law for the government of such schools; shall pursue the course of study and use the series of text books prescribed by the Trustees and County Superintendent, and shall submit to the authority of the teachers; continued and wilful disobedience, or open defiance of the authority of the teacher, the use of habitual profanity or obscene language, shall constitute good cause for suspension or expulsion from school; any pupil who shall in any way cut, deface, or otherwise injure any school house, fences, or outbuildings thereof, shall be liable to suspension and punishment; and the parents of such pupil shall be liable for damages to the amount of injury, on complaint of the teacher, the amount to be determined by the trustees, and collected by the district Pupils to submit to the authority of the teacher.

clerk, by an action in debt therefor, in any court having jurisdiction, in his name as district clerk, together with the costs of said action.

ARTICLE VII.

BOARDS OF EXAMINERS.

State Board
of Exam-
iners, its
duties,
and how
constituted.

48. *And be it enacted*, That there shall be a State Board of Examiners, consisting of the State Superintendent of Public Instruction and the Principal of the State Normal School; they shall have power, and it shall be their duty, to hold examinations of teachers, and to grant State certificates or revoke the same, under such rules and regulations as the State Board of Education may prescribe, and a certificate thus granted shall entitle the holder, without further examination, to teach in any part of the State, so long as the certificate remains valid by the terms thereof, and in any school not of a higher grade than that for which the certificate represents him as qualified.

County
Board of Ex-
aminers, its
duties and
how consti-
tuted.

49. *And be it enacted*, That there shall be in each county a County Board of Examiners, which shall be composed of the County Superintendent, who shall, ex officio, be chairman, and of a number of teachers, not to exceed three, to be appointed by him, who shall hold office for one year from the time of their respective appointments; but no person shall be appointed as County Examiner unless he holds either a State or a first grade county certificate; the County Superintendent shall fill vacancies that occur from absence or other causes, but if he cannot find any teacher in his county qualified under the provisions of this section willing to serve, he shall conduct the examination himself; the Board shall meet at such times and places as may be designated by the chairman, and shall hold a session at least as often as once in every three months, and at the place and during the session of any teachers' institute held in the county; each member of the board, except the County Superintendent, shall be paid for his services, in addition to his travelling expenses, a sum not exceeding three dollars for each session of said board, to be paid by the County Collector, on the order of the County Superintendent; *provided*, that this compensation shall be paid only for the regular quarterly examinations; and that whenever said board shall hold sessions at any other time, no compensation shall be allowed from the county; but in cases of such special examinations, said board may charge each appli-

ean an examination fee not exceeding two dollars; the County Board of Examiners shall have power to conduct examinations and to grant certificates of different grades, in accordance with the general regulations on the subject prescribed by the State Board of Education, and the highest grade of certificate thus granted shall entitle the holder, without further examination, to teach in any part of the State so long as this certificate remains valid, and in any school not of a higher grade than that for which the certificate represents the holder as qualified; any county certificate lower than the highest grade will only entitle the holder to teach a school of a corresponding grade in the county for which such certificate was granted.

50. *And be it enacted*, That in every city having a Board of Education governed by special laws, there shall be a City Board of Examiners, to consist of such members as said Board of Education of that city may appoint; said Examiners shall have power, subject to such rules and regulations as may be prescribed by the City Board of Education, to grant certificates of qualification, which shall be valid for all schools of that city; and no teacher shall be employed in any of the schools of that city unless possessing such certificate, or a State certificate, nor in any school of a higher grade than that for which said certificate represents the holder to be qualified; any City Board of Examiners may recognize the certificates of any other city, and, without examination, issue to the holders certificates of a corresponding grade.

City Board
of Exam-
iners, its du-
ties, and how
constituted.

ARTICLE VIII—SCHOOLS.

STATE NORMAL SCHOOL.

51. *And be it enacted*, That there shall be a Normal School, or seminary, for the training and education of teachers in the art of instructing and governing the common schools of this State, the object of which Normal School or seminary shall be the training and education of its pupils in such branches of knowledge, and such methods of teaching and governing, as will qualify them for teachers of our common schools.

Normal
School, its
object.

52. *And be it enacted*, That there shall be a Board of Trustees of said Normal School, to consist of two trustees from each congressional district; the trustees already appointed shall continue in office severally for the terms for which they shall have been appointed, namely, five

Trustees of
the Normal
School.

whose terms expire in eighteen hundred and sixty-eight, and five whose terms expire in eighteen hundred and sixty-nine; and annually hereafter, in the place of those whose terms are about to expire, the Governor shall nominate and, by and with the advice and consent of the Senate, shall appoint one trustee of said school from each congressional district, to hold office severally for the term of two years and until their successors are appointed, so that there shall always be two trustees from each congressional district; and in case of any vacancy by death, resignation, or otherwise, a successor for the unexpired term shall in like manner be appointed; the State Superintendent of Public Instruction shall be ex officio a member of said Board of Trustees.

Compensation.

53. *And be it enacted*, That the said trustees shall receive no compensation for their services, but the expenses necessarily incurred by them in the discharge of their duties shall be defrayed out of the funds hereinafter appropriated for the support of said school.

Trustees to have super-
vision of the Normal School.

54. *And be it enacted*, That to the said Board of Trustees shall be committed the control and use of the buildings and grounds owned and used by the State for the use of the Normal School, the application of the funds for the support thereof, the appointment of teachers and the power of removing the same, the power to prescribe the studies and exercises of the school, and rules for its management, to grant diplomas, to appoint some suitable person treasurer of the board, and to frame and modify at pleasure such by-laws as they may deem necessary for their own government; and they shall report annually to the Legislature their own doings and the progress and condition of the school.

Annual report.

Number of pupils.

55. *And be it enacted*, That the number of pupils shall not exceed three for each member of the Senate and General Assembly; and each county shall be entitled to fill three times as many seats in the school as it has representatives in the Legislature; the applicants shall give, on admission, a written declaration, signed with their own hands, that their object in seeking admission to the school is to qualify themselves for the employment of public school teachers, and that it is their intention to engage in that employment in this State for at least two years.

Pupils, how admitted.

56. *And be it enacted*, That at the opening of each term of the Normal School, the principal, with his assistants, shall proceed to examine applicants, and to admit to the

school such as appear to be possessed of the proper qualifications, to the number to which each county may be entitled.

57. *And be it enacted*, That in case any county is not ^{Vacancies,} fully represented, additional candidates may be admitted ^{how filled.} from other counties on sustaining the requisite examination.

58. *And be it enacted*, That the Board of Trustees shall appoint and procure the number of teachers which may be necessary to carry out, in the best and highest sense, the purposes and designs of this act, and shall furnish, for the use of the pupils, the necessary apparatus and text books, so far as the funds hereafter to be named and appropriated for the support of the school will allow; and the tuition in the Normal School shall be gratuitous.

59. *And be it enacted*, That the Board of Trustees are ^{Model} _{School.} authorized to maintain a Model School, under permanent teachers, in which the pupils of the Normal School shall have opportunity to observe and practice the modes of instruction and discipline inculcated in the Normal School, and in which pupils may be prepared for the Normal School.

60. *And be it enacted*, That for the support of the ^{Appropria-} _{tion.} Normal School, and to carry out the purposes and designs of this act, there is appropriated hereby the annual sum of ten thousand dollars, to be paid out of the treasury of the State upon the warrant of the Comptroller.

GRADED SCHOOLS.

61. *And be it enacted*, That any two or more districts, by a majority vote of the inhabitants at a meeting regularly called or advertised by the County Superintendent, or superintendents of the county or counties in which said districts are situated, may cause to be established and maintained a graded school, which shall be entitled, according to the number of children in attendance, to its proper share of the State appropriation, and of the township school taxes belonging to the districts which have caused said graded schools to be erected; and a school thus established shall be governed by a joint board, composed of the trustees of the combining districts, and subject to such regulations as they may prescribe.

DISTRICT SCHOOLS.

62. *And be it enacted*, That the inhabitants of every school district shall be required to provide a suitable

Inhabitants required to provide suitable school buildings. school building and outhouses for the accommodation of their children; and in case such buildings are not provided, or those already in use shall be pronounced by the County Superintendent, and a majority of the Trustees of said district, unfit for the purposes for which they are applied, such district shall be deprived of the benefit of that part of the State appropriation derived from the revenues of the State, until suitable buildings shall be erected.

Schools to be kept open five months. (Nine months in free school bill. See Sec. 1.) 63. *And be it enacted*, That no school district shall be entitled to receive any part of the State appropriation which shall not have maintained a public school for at least five months during the then next preceding school year; *provided*, that any new district, or a district in which the school is discontinued on account of the repairing of an old, or the erection of a new school building, shall not be deprived of its full share of the public school funds on account of the restrictions of this section.

School year. 64. *And be it enacted*, That the school year shall begin on the first day of September, and end on the last day of August.

ARTICLE IX—REVENUE.

STATE APPROPRIATION.

Trustees of the School Fund. 65. *And be it enacted*, That the Governor of this State, the President of the Senate, the Speaker of the House of Assembly, the Attorney General, the Secretary of State and the Comptroller, and their successors in office, be and they are hereby constituted and appointed Trustees of the fund for the support of public schools in this State, arising either from appropriations heretofore made, or which may hereafter be made by law, or which may arise from the gift, grant, bequest or devise of any person or persons whatsoever, which trustees shall be known by the name, style and title of "The Trustees for the support of Public Schools;" *provided*, that it shall not be lawful for any teacher, trustee or trustees to introduce into, or have performed in, any school receiving its proportion of the public money, any religious service, ceremony or forms whatsoever, except reading the Bible and repeating the Lord's Prayer.

Religious ceremony.

School fund, how constituted. 66. *And be it enacted*, That the public stocks and moneys heretofore appropriated by law, shall constitute the funds in the hands of the trustees appointed by the foregoing section of this act, and shall be held by the

said trustees in trust; the interest and dividends arising therefrom to be applied by the said trustees, or a majority of them, for the support of public schools in this State, in the mode now prescribed or hereafter to be prescribed by any act or acts of the Legislature, and for no other use or purpose whatsoever.

67. *And be it enacted*, That the fund above mentioned, ^{*Investment of School Fund.} together with all the moneys which shall be received by the Treasurer in payment of the principal or interest of the bank or turnpike stock belonging to the fund for the support of free schools, all the taxes which may hereafter be received into the treasury from any of the banking and insurance companies in this State, the capital stock of which now is, or hereafter may be, liable by law to be taxed, all appropriations to the said fund, made or to be made by any law of this State, and the amount of all gifts, grants, bequests or devises hereafter made by any person or persons to the said trustees, for the purposes contemplated by this act, shall be invested by the Treasurer of this State, under the direction of the said trustees, or a majority of them, in the bonds of the United States, or of New Jersey, or in bonds secured by mortgage on land in New Jersey, the interest thereof to be applied to the support of the public school, in the mode which now is, or may hereafter be directed by law, ^{To be used for the support of public schools.} and to no other use or purpose whatsoever; an account of the management of the said fund shall be laid before the Legislature, with the annual statement of the Treasurer's accounts; and no compensation shall be paid to said trustees or treasurer for any services performed in pursuance of the direction of this act; and all investments of money and property belonging to said fund now held or existing in the name of "The Trustees for the support of Free Schools," are hereby and shall hereafter be vested in and held, and any proceedings or action whatever, relative thereto, may be taken, had, made and maintained by said trustees, in the name or "The Trustees for the support of Public Schools."

68. *And be it enacted*, That the Treasurer of this State shall annually make and furnish to the Board of Trustees for the support of Public Schools, on the first day of the stated annual meeting of the Legislature, and at such other times as the majority of the said trustees shall

^{*} By the act entitled "An act to increase the School Fund of this State," passed April 6, 1871, all moneys received from the sale of lands belonging to the State are placed to the credit of the School Fund.

^{Change of title.}
Report con-cerning School fund.

require the same, a particular statement of the school fund, containing an account of the securities belonging to said fund, with the dates of investment, their value, and the interest arising from each denomination of securities, together with an account of the moneys in the treasury belonging to said fund.

Secretary of the Board. 69. *And be it enacted,* That the Secretary of State be and he is hereby constituted and appointed Secretary of the said Board of Trustees, whose duty it shall be to record, in a book to be kept for that purpose, the proceedings of the said board, and the accounts to be furnished by the Treasurer as hereinbefore directed.

Trustees to appropriate from the School Fund \$40,000. (Changed to \$35,000.) 70. *And be it enacted,* That it shall be the duty of the trustees of the school fund of this State, on or before the first Monday of April in every year, to appropriate out of the annual income for the support of the public schools, the sum of forty thousand dollars; and if the annual income of said fund shall not have been received in full, or shall be insufficient for that purpose, then the said trustees are hereby authorized and empowered to draw for any sum necessary to make up the deficiency, by warrant, signed by the Comptroller, upon the Treasurer of the State, who is directed to pay the same, which sum so drawn from the treasury aforesaid shall be replaced by the annual income of said school fund, so soon as the same shall be received.

\$60,000 appropriated from the Treasury. (Changed to \$65,000.) 71. *And be it enacted,* That from the revenue of the State the sum of sixty thousand dollars per annum shall be appropriated, in addition to the sum of forty thousand dollars from the annual income of the school fund, as mentioned in the preceding section of this act.

Trustees to divide State appropriation. 72. *And be it enacted,* That the Trustees of the School Fund of this State shall have authority to divide the aforesaid sum of one hundred thousand dollars into two or more annual instalments, which shall be paid by the State Treasurer to the several county collectors, on the warrants of the State Comptroller.

Teachers' Institutes. 73. *And be it enacted,* That for the purpose of defraying the expenses of teachers' institutes, the procuring of teachers and lecturers for said institutes, and other necessary expenses of the same, the State Superintendent of Public Schools may draw upon the Treasurer of the State for a sum not exceeding one hundred dollars for any one institute; and the said amount may be paid annually thereafter, in like manner, to one teachers' institute in any county, or in any two or more adjoining counties of

this State, the same to be paid by the Treasurer out of the revenue of the State.

74. *And be it enacted*, That the State Comptroller, State Comptroller to draw warrant on State Treasurer. annually, after having received from the State Superintendent of Public Instruction a statement of the apportionment of the State appropriation among the several counties, shall draw his warrant on the State Treasurer, in favor of the county collector of any county, for the portions to which said county is entitled, whenever such county collector shall present an order for the same, drawn by the State Superintendent of Public Instruction in favor of such county.

75. *And be it enacted*, That the county collector of each county shall receive and hold in trust that part of the State appropriation belonging to his county, and shall County Collectors to receive and hold in trust the State appropriation. pay out the same to the collectors of the several townships, and to the city treasurers of the cities of his county, only on the orders of the County Superintendent; Townships with less than 200 children. provided, that in townships where there are less than two hundred children, between the ages of five and eighteen, the inhabitants may raise such a sum per child as will be sufficient to maintain their schools.

TOWNSHIP TAX.

76. (Repealed. See Sec. 14 of Free School Law.)

77. *And be it enacted*, That the several townships in this State are authorized and required to appropriate the interest of the surplus revenue received by them, and from other funds not raised by tax, such sums for the support of the public schools as they shall order and direct at their annual town meetings, in addition to the amount received from the State appropriation, and the amount which they raise by tax.

78. *And be it enacted*, That it shall be the duty of the township collector of each township to receive and hold in trust all school moneys belonging to the township or to any of the districts thereof, whether received from the State appropriation, from township or district tax, or from other sources, and to pay out the same only on the orders of the district clerks of the several districts of his township, which order shall specify the object for which it is given, and shall be signed by at least one other trustee beside said clerk, and shall be made payable to the order of, and be endorsed by the person entitled to receive it, and he shall, on the order of the township committee, pay over any balance of school funds

Accounts,
how kept.

remaining in his hands, to his successor in office, and he shall procure a suitable book, in which he shall keep a separate account with each school district in his township, crediting each with the amounts apportioned to it by the County Superintendent, and the amount raised by tax in the district, and charging each with the orders paid for said district, and he shall present his accounts to be examined and settled by the township committee at the close of the year, a copy of which settlement, certified by the committee, showing the amounts received, the amounts expended by him for school purposes during the year (and the balance remaining in his hands), he shall transmit said copy within ten days to the County Superintendent, and another copy of the same he shall file with the clerk of the township, and as compensation for such service, the township collector shall be entitled to receive three-fourths of one per centum on all school funds received and paid out by him for such purposes during the year, to be paid by the township committee from the funds of the township.

Compensa-
tion.

*Public
school
moneys, how
used.

79. *And be it enacted*, That not more than twenty dollars annually of the State or township school moneys received for any school district, shall be used for any other purpose than the payment of teachers' salaries.

DISTRICT SCHOOL TAX.

District
meetings,
when, how
and for what
purposes
called.

80. *And be it enacted*, That the legal voters of each district are hereby authorized and required to meet on the Tuesday of the week following the annual town meeting, for the purpose of determining what additional school tax, if any, shall be levied upon the district; said meeting shall be held at some convenient public place within the district, and notice thereof, setting forth the time, place and object of such meeting, shall be given by the district clerk, and set up in at least three public places within the district ten days before the day of meeting; and the said inhabitants, so met, shall have power, by the consent of the two-thirds of those present, to authorize the trustees of said district to purchase land for school purposes, to build, enlarge or repair a school house or school houses, and to borrow money therefor, or to sell or mortgage a school house or school houses, and to raise by taxation for these purposes, or to pay a debt of the district incurred for such purpose, and for

* Fuel bills may also be paid out of the public school moneys. See Sec. 10 of free school law.

the current expenses of the school or schools, such sum of money as two-thirds of the inhabitants so assembled shall agree to; and in case any money shall be ordered by a vote of two-thirds of said meeting, to be raised by taxation, the district clerk shall make out and sign a certificate thereof, under oath or affirmation that the same is correct and true, and deliver the same to the assessor or assessors of the township or townships in which said district is situate, and to the County Superintendent, which said assessors shall assess on the inhabitants of said school district and their estates, and the taxable property therein, in the same manner as township taxes are assessed, such sum of money as shall have been ordered to be raised by the said meeting, in the manner aforesaid; and said money shall be assessed, levied and collected at the time and in the manner that other township moneys are assessed, levied and collected; and it shall be the duty of the collector or collectors of the township or townships in which said district is situate, to pay over all moneys by him or them received, which shall have been assessed by virtue of such vote of a district meeting as aforesaid, on the order of the district clerk of said district, to be used for the purpose directed by the district meeting so held as aforesaid.

81. *And be it enacted*, That no teacher shall be permitted to inflict corporal punishment upon any child in any school in this State.

82. *And be it enacted*, That all acts and parts of acts heretofore passed, of a general character, on the subject of public schools and of the Normal School and its appropriations, are hereby repealed.

83. *And be it enacted*, That this act shall go into effect immediately.

AN ACT to make free the Public Schools of the State, and supplemental to the act entitled "An act to establish a system of Public Instruction," approved March twenty-first, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That for the purpose of maintaining free public schools, there shall be assessed, levied and collected, annually, on the inhabitants of this State, and upon the taxable real and personal property therein,

District tax.
how assessed
and collected.

Corporal
punishment.

General
school laws
repealed.

Free public
schools to be
maintained.

as exhibited by the last abstracts of ratables from the several counties, made out by the several Boards of Assessors, and filed in the office of the Comptroller of the Treasury, a State school tax of two mills on each dollar of the valuation contained in said abstracts, which tax shall be assessed, levied and collected at the same time and in the same manner in which other State taxes are assessed, levied and collected, and shall be in lieu of all township school taxes imposed by the act to which this is a supplement; but if the moneys received by any township from the tax imposed by this act shall not be

State school
tax of two
mills.

Free schools
to be main-
tained nine
months.

Township
tax required
in case the
State tax is
not suffi-
cient.

Penalty in
case a town-
ship does not
raise the
amount re-
quired.

Comptroller
to apportion
the State tax
for assess-
ment.

Statement of
apportion-
ment to be
sent to the
collectors.

Collector to
lay state-
ment before
board of
assessors.

Assessors to
apportion
and assess
the tax.

Collectors to
pay State
tax to State
Treasurer.

sufficient to maintain free schools, for at least nine months in each year, then the inhabitants thereof shall raise, by township tax, such additional amount as they may need for that purpose, in the same manner as such taxes have heretofore been raised; and if the inhabitants of any township, at their annual town meeting, shall not provide for the raising of such necessary additional amount, then the County Superintendent of the county wherein such township is situated shall, unless the State Board of Education shall, for good cause shown, otherwise direct, shall withhold from such township all that part of the State appropriation derived from the revenue of this State, and shall apportion and distribute the same among such of the townships in said county as shall have complied with the requirements of this act.

2. *And be it enacted*, That it shall be the duty of the Comptroller aforesaid to apportion the said tax, and at the rate aforesaid, among the several counties, in proportion to the amount of taxable real and personal estate of said counties, respectively, as shown by the abstracts, respectively, as aforesaid; and it shall be his further duty to transmit, on or before the first day of May of each year, to the County Collector of each county, a statement of the amount of said tax apportioned to said county; and said County Collector shall lay said statement before the Board of Assessors of the townships and wards, within his county, at their next annual meeting to apportion the taxes among said townships and wards, and said Assessors shall thereupon proceed to apportion said school taxes as other taxes are apportioned, and to assess the same according to law.

3. *And be it enacted*, That it shall be the duty of the County Collectors of the several counties of this State, to pay to the Treasurer of this State the quotas due from their respective counties, of the taxes imposed by this

act, on or before the first day of January, annually, next ensuing the assessment thereof.

4. *And be it enacted*, That it shall be the duty of the State Superintendent of Public Instruction, under the direction of the trustees of the school fund, on or before the first day of January of each and every year, to apportion the moneys received from the tax imposed by this act among the several counties of this State, in proportion to the number of children included in the last published school census of the said counties, respectively; *provided*, that all the children residing in fractional districts, situated in two or more adjoining counties, shall be included in the census of that county in which the fraction containing the school house is situated; and it shall be his further duty, on or before the tenth day of January of each and every year, to draw orders on the Comptroller of the Treasury, and in favor of the County Collectors, for the payment of the money thus apportioned; and the said County Collectors shall apply for and be entitled to receive the moneys thus apportioned, as soon as the orders for the same are received; *and provided further*, that no portion of said moneys shall be apportioned to or be used for the support of sectarian schools.

5. *And be it enacted*, That it shall be the duty of the County Superintendent of each county, to apportion to the several townships of his county, and to the towns and cities therein not included in said townships, and also to the several school districts, the State school money, together with the interest of the surplus revenue belonging to said county, and such other moneys as may be raised for school purposes, upon the basis of the last published school census; *provided*, that all the children residing in fractional districts, situated in two or more adjoining townships, shall be included in the census of that township in which the fraction containing the school house is situated; *and provided also*, that no district, except those which have less than forty-five children, shall receive less than three hundred and fifty dollars; and it shall be his further duty, on or before the tenth day of February of each and every year, to draw orders on the County Collector, and in favor of the Township Collectors and City Treasurers of his county, for the payment of said moneys so apportioned, and said collectors and treasurers shall apply for and be entitled to receive the same as soon as such orders are received.

State Sup't
to apportion
school funds
to counties.

State Sup't
to issue or-
ders for
school
money.

School
moneys not
to be used
for sectarian
schools.

County Sup't
to apportion
school
moneys to
districts.

No districts
except those
which have
less than 45
children to
receive less
than \$350.

County Sup't
to issue or-
ders for
school
moneys.

Money for
fractional
districts to
be held by
one collector

Cities and
districts may
raise school
tax.

Notices of
school meet-
ings to state
amount re-
quired.

Amount
ordered not
to exceed
amount
specified.

No meeting
to be called
unless
necessary.

No district
to be formed
with less
than 75 chil-
dren.

Every city
or town to
constitute
but one dis-
trict.

No tuition
fees to be
charged.

All schools
to be free.

School
moneys, how
used.

6. *And be it enacted*, That all school moneys belonging to fractional districts shall be held subject to the order of the trustees by the collector of that township in which the fraction containing the school house is situated.

7. *And be it enacted*, That in addition of the tax imposed by this act, each city and school district may raise by tax such other sums of money as they may need for school purposes, in accordance with the authority granted them by the act to which this is a supplement, or by any special act applicable to such city school district; *pro-
vided*, that whenever any district school meeting shall be held pursuant to the provisions of section eighty of the act to which this is a supplement, or at the call of the trustees, as provided in the eleventh division of the thirty-ninth section of said act, it shall not be lawful for such meeting to order a greater sum of money to be raised by district tax than shall have been mentioned and designated in the notice of such meeting, set up in the manner required by law; *and provided further*, that whenever, in the judgment of the trustees of any district, it shall not be necessary to levy a district tax for school purposes, the district clerk thereof shall not set up the notices directed to be given in said section eighty of the act to which this is a supplement.

8. *And be it enacted*, That no school district shall hereafter be formed which shall contain less than seventy-five children, between five and eighteen years of age, and that after the passage of this act, each incorporated city or town shall constitute but one school district for all school purposes, and that such consolidated district shall hold all the property and be liable for all the lawful debts of the district so consolidated.

9. *And be it enacted*, That after the expiration of the present school year, it shall not be lawful to charge tuition fees for the support of public schools in this State, but that all such schools shall be free to all persons over five and under eighteen years of age, residing within the district, so long as such schools can be thus maintained with the public school funds.

10. *And be it enacted*, That not more than twenty dollars, annually, of the school moneys received by any school district, except such as may be raised within the district, shall be used for any other purpose than the payment of teacher's salaries and for purchasing fuel.

11. *And be it enacted*, That in case any school district or city shall use any of the school money apportioned to it

for any other than public school purposes, such district or city shall forfeit, out of the next annual apportionment, a sum equal to twice the amount thus used; and it shall be the duty of the County Superintendent to re-apportion the money thus forfeited, among the other districts and cities of his county; *provided*, the State Superintendent may remit such penalty for cause.

12. *And be it enacted*, That in case of the failure of any District Clerk or City Superintendent to send his annual report to the County Superintendent of his county, in the form prescribed, on or before the first of September, such County Superintendent shall make up his report for such district or city, from the last published report of the State Superintendent; in making up such report, however, he shall deduct one-fifth from the school census; *provided, however*, that all such cases of delay or negligence shall be reported to the State Superintendent of Public Instruction, whose duty it shall be to investigate the same and to restore the number deducted from the school census, in all cases when he receives satisfactory reasons for such delay or negligence.

13. *And be it enacted*, That the County Superintendent shall have power to administer all necessary oaths or affirmations to district clerks and other school officers, for which he shall receive no compensation.

Repealer.

14. *And be it enacted*, That section seventy-six, together with such other parts of the act to which this is a supplement, and all other acts or parts of acts as are in conflict with the provisions of this act, be and the same are hereby repealed.

15. *And be it enacted*, That this act shall take effect immediately.

Approved April 6, 1871.

AN ACT to encourage the formation of Libraries in the Free Public Schools of New Jersey.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the Treasurer of the State, upon the order of the State Superintendent of Education, is hereby authorized and directed to pay over the sum of twenty dollars out of any money that may be in the public treasury, to every school district which shall raise by subscription a like sum for the same purpose, to

When State Sup't may issue orders on State Treasurer for \$20.

Districts to raise \$20 by subscription

establish within such district a school library, and to procure philosophical and chemical apparatus, and the further sum of ten dollars annually, upon a like order, to the said districts, upon condition that they shall have raised by subscription a like sum for such year, for the purpose aforesaid.

Selection of
books and
apparatus.

2. *And be it enacted*, That the selection of books and apparatus shall be approved by the school trustees of such district.

Trustees to
make rules.

3. *And be it enacted*, That the school trustees of each district shall make proper rules and regulations for the management, use and safe keeping of such libraries.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 6, 1871.

AN ACT to increase the School Fund of this State.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all moneys hereafter received from the sales and rentals of the land under water, belonging to this State, shall be paid over to the Trustees of the School Fund, and appropriated for the support of free public schools, and shall be held by them in trust for that purpose, and shall be invested by the Treasurer of the State, under their direction, in the same manner as the funds now held by them are invested; the same to constitute a part of the permanent school fund of the State, and the interest thereof to be applied to the support of public schools, in the mode which now is or hereafter may be directed by law, and to no other use or purpose whatever.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Passed April 6, 1871.

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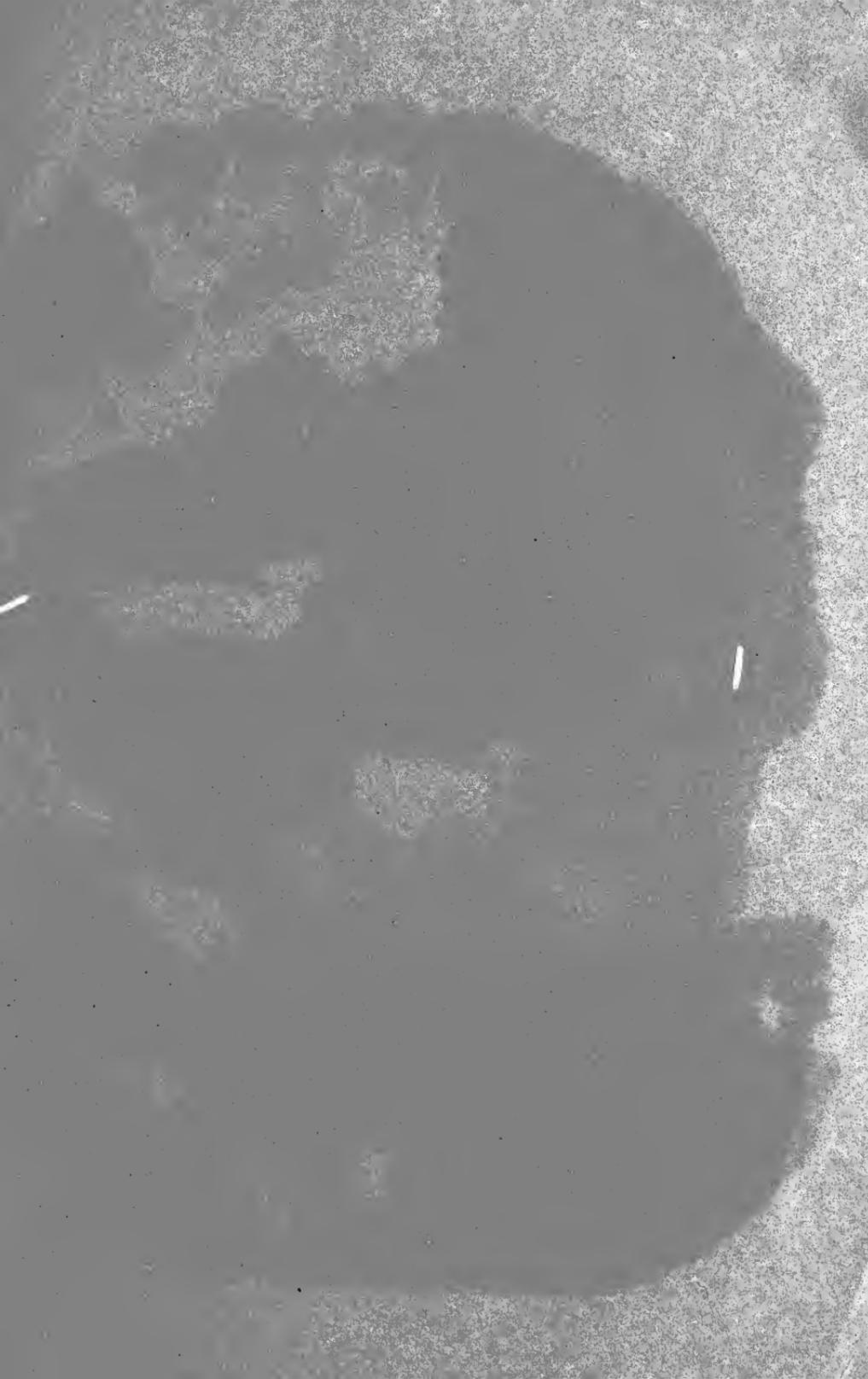
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